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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/992,665	PALM, KAIA	
	Examiner	Art Unit	
	Susan Ungar	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *one* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *19 July 2004*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-134* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) *1-134* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-134 are pending in the application and are currently under prosecution. It is noted that claim 31 has been with drawn from examination pending the clarification of the claim which is drawn to an array which comprises high expression of particular genes. Since arrays do not express genes it is not possible to determine where to place this claim. Upon amendment of the claim it will be added to the appropriate group.

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

3. Claims 1 links inventions 1-8, 19-26, 27-28/(A)-(D)/(E)-(H),29-30/(A)-(C). The restriction requirement among the linked inventions of inventions 1-8, 19-26, 27-28/(A)-(D)/(E)-(H),29-30/(A)-(C) is subject to the nonallowance of the linking claim(s) 1. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group 1. Claims 2, 6 are drawn to a method for determining the presence of lung cancer markers in a host comprising obtaining a protein

test sample (as disclosed in the specification) from the host, identifying the presence of lung cancer protein molecular markers in the test sample using an array of lung cancer specific protein molecular markers , analyzing said array wherein analysis yields the identification of lung cancer from which the lung cancer specific protein molecular markers originate, classified in Class 435, subclass 7.1.

Group 2. Claims 2, 7-9 are drawn to a method for determining the presence of lung cancer markers in a host comprising obtaining a nucleic acid test sample (as disclosed in the specification) from the host, identifying the presence of lung cancer nucleic acid molecular markers in the test sample using an array of lung cancer specific nucleic acid molecular markers , analyzing said array wherein analysis yields the identification of lung cancer from which the lung cancer specific nucleic acid molecular markers originate, classified in Class 435, subclass 6. It is noted that claim 12 will be examined as it is drawn to the elected invention.

Group 3. Claims 3, 6 are drawn to a method for determining the presence of prostate cancer markers in a host comprising obtaining a protein test sample (as disclosed in the specification) from the host, identifying the presence of prostate cancer protein molecular markers in the test sample using an array of prostate cancer specific protein molecular markers , analyzing said array wherein analysis yields the identification of prostate cancer from which the prostate cancer specific protein molecular markers originate, classified in Class 435, subclass 7.1.

Group 4. Claims 3, 7-9 are drawn to a method for determining the presence of prostate cancer markers in a host comprising obtaining a nucleic acid test sample (as disclosed in the specification) from the host, identifying the presence of prostate cancer nucleic acid molecular markers in the test sample using an array of prostate cancer specific nucleic acid molecular markers , analyzing said array wherein analysis yields the identification of prostate cancer from which the prostate cancer specific nucleic acid molecular markers originate, classified in Class 435, subclass 6. It is noted that claim 12 will be examined as it is drawn to the elected invention.

Group 5. Claims 4, 6 are drawn to a method for determining the presence of astrocytoma markers in a host comprising obtaining a protein test sample (as disclosed in the specification) from the host, identifying the presence of astrocytoma protein molecular markers in the test sample using an array of astrocytoma specific protein molecular markers , analyzing said array wherein analysis yields the identification of astrocytoma from which the astrocytoma specific protein molecular markers originate, classified in Class 435, subclass 7.1.

Group 6. Claims 4, 7-9 are drawn to a method for determining the presence of astrocytoma markers in a host comprising obtaining a nucleic acid test sample (as disclosed in the specification) from the host, identifying the presence of astrocytoma nucleic acid molecular markers in the test sample using an array of astrocytoma specific nucleic acid molecular markers , analyzing said array wherein analysis yields the identification of astrocytoma from which the astrocytoma specific nucleic

acid molecular markers originate, classified in Class 435, subclass 6. It is noted that claim 12 will be examined as it is drawn to the elected invention.

Group 7. Claims 5, 6 are drawn to a method for determining the presence of neuroblastoma markers in a host comprising obtaining a protein test sample (as disclosed in the specification) from the host, identifying the presence of neuroblastoma protein molecular markers in the test sample using an array of neuroblastoma specific protein molecular markers , analyzing said array wherein analysis yields the identification of neuroblastoma from which the neuroblastoma specific protein molecular markers originate, classified in Class 435, subclass 7.1.

Group 8. Claims 5, 7-9 are drawn to a method for determining the presence of neuroblastoma markers in a host comprising obtaining a nucleic acid test sample (as disclosed in the specification) from the host, identifying the presence of neuroblastoma nucleic acid molecular markers in the test sample using an array of neuroblastoma specific nucleic acid molecular markers , analyzing said array wherein analysis yields the identification of neuroblastoma from which the neuroblastoma specific nucleic acid molecular markers originate, classified in Class 435, subclass 6.It is noted that claim 12 will be examined as it is drawn to the elected invention.

Group 19. Claims 33-36, 38-40 is drawn to a method of identifying a treatment for a patient having small cell lung cancer comprising determining the presence of a small cell lung cancer protein molecular marker, as disclosed in the specification, in said patient according to claim

1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 7.1

Group 20. Claims 33, 36, 37-40 is drawn to a method of identifying a treatment for a patient having small cell lung cancer comprising determining the presence of a small cell lung cancer nucleic acid molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 6.

Group 21. Claims 33-36, 41-43 is drawn to a method of identifying a treatment for a patient having non small cell lung cancer comprising determining the presence of a non small cell lung cancer protein molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 7.1

Group 22. Claims 33, 36, 37, 41-43 is drawn to a method of identifying a treatment for a patient having non small cell lung cancer comprising determining the presence of a non small cell lung cancer nucleic acid molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 6.

Group 23. Claims 33-36, 44-47 is drawn to a method of identifying a treatment for a patient having prostate cancer Group I comprising determining the presence of a prostate cancer Group I protein molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 7.1

Group 24. Claims 33, 36, 37, 44-47 is drawn to a method of identifying a treatment for a patient having prostate cancer Group I comprising determining the presence of a prostate cancer Group I nucleic acid molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 6.

Group 25. Claims 33-36, 44, 48-49 is drawn to a method of identifying a treatment for a patient having prostate cancer Group II comprising determining the presence of a prostate cancer Group II protein molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 7.1

Group 26. Claims 33, 36, 37, 44, 48-49 is drawn to a method of identifying a treatment for a patient having prostate cancer Group II

comprising determining the presence of a prostate cancer Group II nucleic acid molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 6.

Group 27. Claims 33-36, 50-52 is drawn to a method of identifying a treatment for a patient having subclass I astrocytoma comprising determining the presence of a subclass I astrocytoma protein molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 7.1

Group 28. Claims 33, 36, 37, 50-52 is drawn to a method of identifying a treatment for a patient having subclass I astrocytoma comprising determining the presence of a subclass I astrocytoma nucleic acid molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 6.

For each of the inventions 27-28 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 27-28 and one of inventions (A)-(D). It is noted that this is not an election of

species requirement in that each of the linked groups consists of one of inventions 27-28 above and one of inventions (A)-(D) below.

(A) reagents specific for a single subclass I astrocytoma molecular marker/negative regulator of neural differentiation marker, or a specific combination of the 2 specific reagents recited in claim 53,

(B) reagents specific for a single subclass I astrocytoma molecular marker/negative regulator of neural differentiation marker, or a specific combination of the 10 specific reagents recited in claim 55,

(C) reagents specific for a single subclass I astrocytoma molecular marker/negative regulator of neural differentiation marker, or a specific combination of the 7 specific reagents recited in claim 57,

(D) reagents specific for a single subclass I astrocytoma molecular marker/negative regulator of neural differentiation marker, or a specific combination of the 7 specific reagents recited in claim 59,

For each of the inventions 27-28/(A)-(D) above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 27-28 and one of inventions (A)-(D) and one of inventions (E)-(H). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 27-28 above and one of inventions (A)-(D) and one of inventions (E)-(H) below.

(E) reagents specific for a single subclass I astrocytoma molecular marker/undetected neuronal gene, or a specific combination of the 16 specific reagents recited in claim 54,

(F) reagents specific for a single subclass I astrocytoma molecular marker/undetected neuronal gene, or a specific combination of the 6 specific reagents recited in claim 56,

(G) reagents specific for a single subclass I astrocytoma molecular marker/undetected neuronal gene, or a specific combination of the 6 specific reagents recited in claim 58,

(G) reagents specific for a single subclass I astrocytoma molecular marker/undetected neuronal gene, or a specific combination of the 10 specific reagents recited in claim 59,

(H) reagents specific for a single subclass I astrocytoma molecular marker/undetected neuronal gene, or a specific combination of the 6 specific reagents recited in claim 60,

Group 29. Claims 33-36, 61 is drawn to a method of identifying a treatment for a patient having neuroblastoma comprising determining the presence of a neuroblastoma protein molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 7.1

Group 30. Claims 33, 36, 37, 61 is drawn to a method of identifying a treatment for a patient having neuroblastoma comprising determining the presence of a neuroblastoma nucleic acid molecular marker, as disclosed in the specification, in said patient according to claim 1 and selecting a therapeutic protocol based upon a correlation between particular

therapeutic regimes and the particular markers identified in the determining step, classified in Class 435, subclass 6.

For each of the inventions 29-30 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 29-30 and one of inventions (A)-(C). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 29-30 above and one of inventions (A)-(C) below.

(A) reagents specific for a single neuroblastoma molecular, or a specific combination of the 16 specific reagents recited in claim 62,

(B) reagents specific for a single neuroblastoma molecular, or a specific combination of the 2 specific reagents recited in claim 63,

(C) reagents specific for a single neuroblastoma molecular, or a specific combination of the 5 specific reagents recited in claim 64,

Group 31. Claims 65-66 are drawn to a method of treating a neoplastic disease comprising assaying a sample isolated from a subject, determining the presence of one or more protein neoplastic markers, as disclosed in the specification, identifying the disease and selecting a therapeutic protocol, classified in Class 435, subclass 7.1, class 424, 130+, subclass 514, subclass 2.

Group 32. Claims 65-66 are drawn to a method of treating a neoplastic disease comprising assaying a sample isolated from a subject, determining the presence of one or more nucleic acid neoplastic markers, as disclosed in the specification, identifying the disease and selecting a therapeutic protocol, classified in Class 435, subclass 6, Class 536, subclass 23.1.

4. Claims 10 links inventions 9-10/(A)-(B), 11-12/(A)-(E),13-14/(A)(C), 15-16/(A)-(C), 17-18/(A)-(C). The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 10 and as drawn specifically to groups 13-16, to the nonallowance of linking claim 20 and as drawn to groups 17-18, to the nonallowance of linking claim 25. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group 9. Claims 11 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for small cell lung cancer specific protein molecular markers, classified in Class 530, subclass 350.

Group 10. Claims 11 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for small cell lung cancer specific nucleic acid molecular markers, classified in Class 536, subclass 23.1.

For each of the inventions 9-10 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 9-10 and one of inventions (A)-(B). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 11-12 above and one of inventions (A)-(B) below.

(A) reagents specific for a single small cell lung cancer molecular marker, or a specific combination of the 17 specific reagents recited in claim 18, as specific to small cell lung cancer

(B) reagents specific for a single small cell lung cancer molecular marker, or a specific combination of the 23 specific reagents recited in claim 19, which are specific to small cell lung cancer

Group 11. Claims 13 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for non small cell lung cancer specific protein molecular markers, classified in Class 530, subclass 350.

Group 12. Claims 13 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for non small cell lung cancer specific nucleic acid molecular markers, classified in Class 536, subclass 23.1.

For each of the inventions 11-12 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 11-12 and one of inventions (A)-(E). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 11-12 above and one of inventions (A)-(E) below.

(A) reagents specific for Groucho1, SOX2, SOX3 and NXX5.2 (claim 14)

(B) reagents specific for Zic family members (claim 15)

(C) reagents specific for MyT-2, Hes-5 and SMAD6 (claim 16)

(D) reagents specific for a single non small cell lung cancer molecular marker, or a specific combination of the 17 specific reagents recited in claim 18, as specific to non small cell lung cancer

(E) reagents specific for a single non small cell lung cancer molecular marker, or a specific combination of the 23 specific reagents recited in claim 19, which are specific to non small cell lung cancer

Group 13. Claims 20,21 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for prostate cancer of Group I specific protein molecular markers, classified in Class 530, subclass 350.

Group 14. Claims 20,21 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for prostate cancer of Group I specific nucleic acid molecular markers, classified in Class 536, subclass 23.1.

For each of the inventions 13-14 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 9-10 and one of inventions (A)-(C). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 13-14 above and one of inventions (A)-(C) below.

(A) reagents specific for NeuroD2, ATH1, IsII, LMO4 and GBX2 (claim 22)

(B) reagents specific for a single prostate cancer of Group I molecular marker, or a specific combination of the 17 specific reagents recited in claim 18, as specific to prostate cancer of Group I

(C) reagents specific for a single prostate cancer of Group I molecular marker, or a specific combination of the 23 specific reagents recited in claim 19, which are specific to prostate cancer of Group I

Group 15. Claims 23,24 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for prostate cancer of Group II specific protein molecular markers, classified in Class 530, subclass 350.

Group 16. Claims 23,24 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for prostate cancer of Group II specific nucleic acid molecular markers, classified in Class 536, subclass 23.1.

For each of the inventions 15-16 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 15-16 and one of inventions (A)-(C). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 11-12 above and one of inventions (A)-(C) below.

(A) reagents specific for Nkx2.2, Sal11, and Sharp 1 (claim 24)

(B) reagents specific for a single prostate cancer of Group I molecular marker, or a specific combination of the 17 specific reagents recited in claim 18, as specific to prostate cancer of Group I

(C) reagents specific for a single prostate cancer of Group I molecular marker, or a specific combination of the 23 specific reagents recited in claim 19, which are specific to prostate cancer of Group I

Group 17. Claims 25, 26 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for subclass I astrocytoma specific protein molecular markers, classified in Class 530, subclass 350.

Group 18. Claims 25, 26 are drawn to an array comprising a plurality of binding agents, as disclosed in the specification, specific for subclass I astrocytoma specific nucleic acid molecular markers, classified in Class 536, subclass 23.1.

For each of the inventions 17-18 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 17-18 and one of inventions (A)-(E). It is noted that this is not an election of species requirement in that each of the linked groups consists of one of inventions 17-18 above and one of inventions (A)-(E) below.

(A) reagents specific for a single subclass I astrocytoma molecular marker, or a specific combination of the 23 specific reagents recited in claim 30,

(B) reagents specific for a single subclass I astrocytoma molecular marker, or a specific combination of the 23 specific reagents recited in claim 32,

(C) the embodiments of claim 27, reagents specific for a single subclass I astrocytoma molecular marker/negative regulator of neural differentiation, or a specific combination of the 2 specific reagents recited in claim 28 and reagents specific for a single subclass astrocytoma molecular

marker/neuronal genes or a specific combination of the 23 specific reagents recited in claims 17 and 29.

5. Claim 67 links inventions 33(A)-(I)(a)-(et)(I-XVII), 34(A)-(I)(a)-(et)(I-XVII), 35(A)-(I)(a)-(et)(I-XVII), 36(A)-(I)(a)-(et)(I-XVII), 37(A)-(I)(a)-(et)(I-XVII), 38(A)-(I)(a)-(et)(I-XVII), 39(A)-(I)(a)-(et)(I-XVII), 39(A)-(I)(a)-(et)(I-XVII), 40(A)-(I)(a)-(et)(I-XVII), 41(A)-(I)(a)-(et)(I-XVII), 42(A)-(I)(a)-(et)(I-XVII), 43(A)-(I)(a)-(et)(I-XVII), 44(A)-(I)(a)-(et)(I-XVII), 45(A)-(I)(a)-(et), 46(A)-(I)(a)-(et), 47(A)-(I)(a)-(et), 48(A)-(I)(a)-(et), 49(A)-(I)(a)-(et), 50(A)-(I)(a)-(et). The restriction requirement among the linked inventions of inventions 33(A)-(I)(a)-(et)(I-XVII), 34(A)-(I)(a)-(et)(I-XVII), 35(A)-(I)(a)-(et)(I-XVII), 36(A)-(I)(a)-(et)(I-XVII), 37(A)-(I)(a)-(et)(I-XVII), 38(A)-(I)(a)-(et)(I-XVII), 39(A)-(I)(a)-(et)(I-XVII), 39(A)-(I)(a)-(et)(I-XVII), 40(A)-(I)(a)-(et)(I-XVII), 41(A)-(I)(a)-(et)(I-XVII), 42(A)-(I)(a)-(et)(I-XVII), 43(A)-(I)(a)-(et)(I-XVII), 44(A)-(I)(a)-(et)(I-XVII), 45(A)-(I)(a)-(et), 46(A)-(I)(a)-(et), 47(A)-(I)(a)-(et), 48(A)-(I)(a)-(et), 49(A)-(I)(a)-(et), 50(A)-(I)(a)-(et) is subject to the nonallowance of the linking claim(s), claims 67, 82, 84, 85, 88, 90, 92, 109, 109 as appropriate to the specifically elected invention. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant

application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group 33. Claims 68-74, 76, 81 drawn to an method of testing a host for an astrocytoma condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for an autoantibody against a plurality of transcription modulating factors, classified in Class 435, subclass 7.1.

For invention 33 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of inventions 33 and one of inventions (A)-(I). It is noted that this is not an election of species requirement in that each of the linked groups consists of inventions 33 above and one of inventions (A)-(I) below.

(A) wherein at least one of the transcription modulating factors perturbs chromatin structure to permit access of transcriptional components of the gene, Claim 82,

(B) wherein at least one of the transcription modulating factors is involved in the recruitment of a TATA-binding protein (TBP)-containing(Initiator) complexes, claim 84.

(C) wherein at least one of the transcription modulating factors is involved in the recruitment of a TATA-binding protein (TBP)-not-containing(Initiator) complexes, claim 84.

(D) wherein at least one of the transcription modulating factors perturbs chromatin structure and recruits TATA-binding protein containing initiator complexes, of claim 85.

(E) wherein at least one of the transcription modulating factors perturbs chromatin structure and recruits TATA-binding protein not containing initiator complexes, of claim 85.

(F) wherein at least one of the transcription modulating factors is a protein of the androgen receptor complex, of claim 90.

(G) wherein at least one of the transcription modulating factors is a transcriptional co-repressor of claim 92.

(H) wherein at least one of the transcription modulating factors is a protein relating to cell-cycle progression dedicated components that are part of the RNA polymerase II transcription complex of claim 108.

(I) wherein at least one of the transcription modulating factors is chosen from the group consisting of factors involved in splicing of claim 109.

For invention 33 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of inventions 33 and one of inventions (A)-(I) and one of inventions (a)-(et). It is noted that this is not an election of species requirement in that each of the linked groups consists of inventions 33 above and one of inventions (A)-(I) and to the one of inventions (a)-(et) below.

(a) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 83.

(b) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(c) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(d) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(e) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(f) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(g) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(h) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(i) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(j) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(k) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(l) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(m) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(n) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(o) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(p) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(q) wherein said factor is a single specific factor, or a specific combination of the 7 specific factors recited in claim 85 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing(Initiator) complexes.

(-r-) wherein at least one of the factors is a TATA-binding protein of claim 86 wherein said factor is a single specific factor, or a specific combination of the 47 specific protein factors recited in claim 87 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing(Initiator) complexes.

(s) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(t) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn

to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(u) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(v) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(w) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(x) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(y) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(z) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn

to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(aa) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ab) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ac) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ad) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ae) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors that are involved in

the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(af) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ag) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ah) wherein said factor is a single specific factor, or a specific combination of the 7 specific factors recited in claim 85 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing(Initiator) complexes.

(ai) wherein at least one of the factors is a TATA-binding protein of claim 86 wherein said factor is a single specific factor, or a specific combination of the 47 specific protein factors recited in claim 87 as they are specifically drawn to transcription modulating factors involved in the recruitment of a TATA-binding protein (TBP-not-containing(Initiator) complexes.

(aj) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ah) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ai) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ak) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(al) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(am) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(an) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are

specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ao) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ap) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(aq) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ar) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(as) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are

specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(at) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(au) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(aw) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription modulating factors that are involved in the recruitment of a TATA-binding protein (TBP-not-containing (Initiator) complexes.

(ax) wherein said factor is a single specific factor, or a specific combination of the 7 specific factors recited in claim 85 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-containing(Initiator) complexes.

(ay) wherein at least one of the factors is a TATA-binding protein of claim 86 wherein said factor is a single specific factor, or a specific combination of the 47 specific protein factors recited in claim 87 as they are specifically

drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-containing(Initiator) complexes.

(az) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(ba) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bb) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bc) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(be) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are

specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bf) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bg) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bh) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bi) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bj) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically

drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bk) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bl) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bm) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bn) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bo) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are

specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-containing (Initiator) complexes.

(bp) wherein said factor is a single specific factor, or a specific combination of the 7 specific factors recited in claim 85 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-not-containing(Initiator) complexes.

(bq) wherein at least one of the factors is a TATA-binding protein of claim 86 wherein said factor is a single specific factor, or a specific combination of the 47 specific protein factors recited in claim 87 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-not-containing(Initiator) complexes.

(br) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bs) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and are involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bt) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bu) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bv) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bw) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bx) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(by) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(bz) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(ca) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(cb) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(cc) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(cd) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(ce) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(cf) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription modulating factors that perturb chromatin structure and involved in the recruitment of a TATA-binding protein (TBP)-not-containing (Initiator) complexes.

(cg) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 91 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(ch) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(ci) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to

transcription modulating factor which is a protein of the androgen receptor complex.

(cj) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(ck) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(cl) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that perturb chromatin structure to permit access of transcriptional components to a gene.

(cm) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(cn) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(co) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to

transcription modulating factor which is a protein of the androgen receptor complex.

(cp) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(cq) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors factor which is a protein of the androgen receptor complex.

(cr) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(cs) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(ct) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factor which is a protein of the androgen receptor complex.

(cu) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn

to transcription modulating factor which is a protein of the androgen receptor complex.

(cv) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription factor which is a protein of the androgen receptor complex.

(cw) wherein said factor is a single specific factor, or a specific combination of the 7 specific factors recited in claim 93, as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(cx) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(cy) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(cz) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(da) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(db) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dc) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dd) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(de) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(df) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dg) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dh) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(di) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dj) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dk) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors that are transcriptional co-repressors.

(dl) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription factors that are transcriptional co-repressors.

(dm) wherein said at least one transcription modulating factor is a single specific factor, or a specific combination of the 14 specific factors recited in claim 109, as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dn) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(do) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dp) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle

progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dq) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dr) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(ds) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dt) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(du) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle

progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dv) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dw) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dx) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dy) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(dz) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle

progression-dedicated components that are part of the RNA polymerase II transcription complex.

(ea) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(eb) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription factors which are proteins relating to cell-cycle progression-dedicated components that are part of the RNA polymerase II transcription complex.

(ec) wherein said factor is a single specific factor, or a specific combination of the 29 specific factors recited in claim 110 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(ed) wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(ef) wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim 95 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(eg) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 96 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(eh) wherein said factor is a single specific factor, or a specific combination

of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(ei) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(ej) wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim 98 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(ek) wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(el) wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(em) wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(eo) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(ep) wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(eq) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(er) wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(es) wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106 as they are specifically drawn to transcription modulating factors which are involved in splicing.

(et) wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107 as they are specifically drawn to transcription factors which are involved in splicing.

For invention 33 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of inventions 33 and one of inventions (A)-(I) and one of inventions (a)-(et) and one of invention i wherein the elected group of (a)-(et) is drawn to complexed proteins. It is noted that this is not an election of species requirement in that each of the linked groups consists of invention 33 above and one of inventions (A)-(I) and one of inventions (a)-(et) and one of the inventions of (I)-(XVII) below.

(I) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said at least one complex is one of the 22 complexes specifically recited in Claim 89.

(II) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in

claim 88, wherein said factor is a single specific factor, or a specific combination of the 7 specific factors recited in claim 93.

(III) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 20 specific factors recited in claim 94.

(IV) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 28 specific factors recited in claim.

(V) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim.

(VI) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination

of the 17 specific factors recited in claim.

(VII) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 97.

(VIII) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited

in claim 88, wherein said factor is a single specific factor, or a specific combination of the 21 specific factors recited in claim.

(IX) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 22 specific factors recited in claim 99.

(X) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 8 specific factors recited in claim 100.

(XI) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 17 specific factors recited in claim 101.

(XII) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim 102.

(XIII) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 5 specific factors recited in claim 103.

(XIV) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited

in claim 88, wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim 104.

(XV) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 6 specific factors recited in claim 105.

(XVI) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 43 specific factors recited in claim 106.

(XVII) wherein said at least one of the transcription modulating factor forms a coactivator complex with a single one of the 7 proteins specifically recited in claim 88, wherein said factor is a single specific factor, or a specific combination of the 16 specific factors recited in claim 107.

Group 34(A)-(I)(a)-(et)(I-XVII). Claims 68-74, 76, 81 drawn to an method of testing a host for an neuroblastoma condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for an autoantibody against a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 35(A)-(I)(a)-(et)(I-XVII). Claims 68-74, 76, 81 drawn to an method of testing a host for an glioblastoma condition comprising testing a

sample from a host for an autoimmune response, wherein said testing is the testing for an autoantibody against a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 36(A)-(I)(a)-(et)(I-XVII). Claims 68-73, 75, 76, 81 drawn to an method of testing a host for a small cell lung cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for an autoantibody against a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 37(A)-(I)(a)-(et)(I-XVII). Claims 68-73, 75, 76, 81 drawn to an method of testing a host for a non-small cell lung cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for an autoantibody against a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 38(A)-(I)(a)-(et)(I-XVII). Claims 68-73, 75, 76, 81 drawn to an method of testing a host for prostate cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for an autoantibody against a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 39(A)-(I)(a)-(et)(I-XVII). Claims 68-69, 72-73, 74, 76-78, 81 drawn to an method of testing a host for astrocytoma condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 40(A)-(I)(a)-(et)(I-XVII). Claims 68-69, 72-73, 74, 76-78, 81 drawn to an method of testing a host for neuroblastoma condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 41(A)-(I)(a)-(et)(I-XVII). Claims 68-69, 72-73, 74, 76-78, 81 drawn to an method of testing a host for glioblastoma condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 42(A)-(I)(a)-(et)(I-XVII). Claims 68-69, 72-73, 75, 76-78, 81 drawn to an method of testing a host for a small cell lung cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 43(A)-(I)(a)-(et)(I-XVII). Claims 68-69, 72-73, 75, 76-78, 81 drawn to an method of testing a host for a non-small cell lung cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 44(A)-(I)(a)-(et)(I-XVII). Claims 68-69, 72-73, 75, 76-78, 81 drawn to an method of testing a host for a prostate cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of transcription modulating factors, classified in Class 435, subclass 7.1. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et)(I-XVII) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et)(I-XVII) of Group 33(A)-(I)(a)-(et)(I-XVII).

Group 45(A)-(I)(a)-(et). Claims 68-69, 73, 74, 76, 79-81 drawn to an method of testing a host for an astrocytoma cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of mRNA encoding transcription modulating factors, classified in Class 435, subclass 6. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et) of Group 33(A)-(I)(a)-(et).

Group 46(A)-(I)(a)-(et). Claims 68-69, 73, 74, 76, 79-81 drawn to an method of testing a host for an neuroblastoma cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of mRNA encoding transcription modulating factors, classified in Class 435, subclass 6. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et) of Group 33(A)-(I)(a)-(et).

Group 47(A)-(I)(a)-(et). Claims 68-69, 73, 74, 76, 79-81 drawn to an method of testing a host for an glioblastoma cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of mRNA encoding transcription modulating factors, classified in Class 435, subclass 6. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et) of Group 33(A)-(I)(a)-(et).

Group 48(A)-(I)(a)-(et). Claims 68-69, 73, 75, 76, 79-81 drawn to an method of testing a host for a small cell lung cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of mRNA encoding transcription modulating factors, classified in Class 435, subclass 6. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et) of Group 33(A)-(I)(a)-(et).

Group 49(A)-(I)(a)-(et). Claims 68-69, 73, 75, 76, 79-81 drawn to an method of testing a host for a non-small cell lung cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of mRNA encoding transcription modulating factors, classified in Class 435, subclass 6. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et) of Group 33(A)-(I)(a)-(et).

Group 50(A)-(I)(a)-(et). Claims 68-69, 73, 75, 76, 79-81 drawn to an method of testing a host for a prostate cancer condition comprising testing a sample from a host for an autoimmune response, wherein said testing is the testing for a plurality of mRNA encoding transcription modulating factors, classified in Class 435, subclass 6. It is noted that in the interests of compact prosecution and saving paper, groups (A)-(I)(a)-(et) will not be reiterated here as they are identical in content and scope with groups (A)-(I)(a)-(et) of Group 33(A)-(I)(a)-(et).

6. Claims 111 links inventions 51-56(A)-(AV)(I) The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 111. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group 51. Claims 112- 123 is drawn to a diagnostic device comprising a plurality of reagents, predictive of astrocytoma, that each interact with a

chemically distinct antibody against a transcription modulation factor classified in Class 435, subclass 7.1.

Group 52. Claims 112- 123 is drawn to a diagnostic device comprising a plurality of reagents, predictive of neuroblastoma, that each interact with a chemically distinct antibody against a transcription modulation factor classified in Class 435, subclass 7.1.

Group 53. Claims 112- 123 is drawn to a diagnostic device comprising a plurality of reagents, predictive of glioblastoma, that each interact with a chemically distinct antibody against a transcription modulation factor classified in Class 435, subclass 7.1.

Group 54. Claims 112- 122, 124 is drawn to a diagnostic device comprising a plurality of reagents, predictive of small cell lung cancer, that each interact with a chemically distinct antibody against a transcription modulation factor classified in Class 435, subclass 7.1.

Group 55. Claims 112- 122, 124 is drawn to a diagnostic device comprising a plurality of reagents, predictive of nonsmall cell lung cancer, that each interact with a chemically distinct antibody against a transcription modulation factor classified in Class 435, subclass 7.1.

Group 56. Claims 112- 122, 124 is drawn to a diagnostic device comprising a plurality of reagents, predictive of prostate cancer, that each interact with a chemically distinct antibody against a transcription modulation factor classified in Class 435, subclass 7.1.

For each of the inventions 51-15 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 51-56 and one of inventions (A)-(AV). It is noted that this is not an election of

species requirement in that each of the linked groups consists of one of inventions 51-56 above and one of inventions (A)-(AV) below.

(A) wherein said factor is a single specific factor, or a specific combination of the 61 specific factors recited in claim125 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(B) wherein said factor is a single specific factor, or a specific combination of the 71 specific factors recited in claim127 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(C) wherein said factor is a single specific factor, or a specific combination of the 105 specific factors recited in claim128 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(D) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim129 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(E) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim130 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(F) wherein said factor is a single specific factor, or a specific combination of the 64 specific factors recited in claim131 as it/they are specifically

drawn to transcription modulating factors that are predictive of astrocytoma.

(G) wherein said factor is a single specific factor, or a specific combination of the 15 specific factors recited in claim132 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(H) wherein said factor is a single specific factor, or a specific combination of the 27 specific factors recited in claims 133-134 as it/they are specifically drawn to transcription modulating factors that are predictive of astrocytoma.

(I) wherein said factor is a single specific factor, or a specific combination of the 61 specific factors recited in claim125 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(J) wherein said factor is a single specific factor, or a specific combination of the 71 specific factors recited in claim127 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(K) wherein said factor is a single specific factor, or a specific combination of the 105 specific factors recited in claim128 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(L) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim129 as it/they are specifically

drawn to transcription modulating factors that are predictive of neuroblastoma.

(M) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim130 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(N) wherein said factor is a single specific factor, or a specific combination of the 64 specific factors recited in claim131 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(O) wherein said factor is a single specific factor, or a specific combination of the 15 specific factors recited in claim132 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(P) wherein said factor is a single specific factor, or a specific combination of the 27 specific factors recited in claims 133-134 as it/they are specifically drawn to transcription modulating factors that are predictive of neuroblastoma.

(Q) wherein said factor is a single specific factor, or a specific combination of the 61 specific factors recited in claim125 as it/they are specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(R) wherein said factor is a single specific factor, or a specific combination of the 71 specific factors recited in claim127 as it/they are specifically

drawn to transcription modulating factors that are predictive of glioblastoma.

(S) wherein said factor is a single specific factor, or a specific combination of the 105 specific factors recited in claim128 as it/they are specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(T) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim129 as it/they are specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(U) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim130 as it/they are specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(V) wherein said factor is a single specific factor, or a specific combination of the 64 specific factors recited in claim131 as it/they are specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(W) wherein said factor is a single specific factor, or a specific combination of the 15 specific factors recited in claim132 as it/they are specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(X) wherein said factor is a single specific factor, or a specific combination of the 27 specific factors recited in claims 133-134 as it/they are

specifically drawn to transcription modulating factors that are predictive of glioblastoma.

(Y) wherein said factor is a single specific factor, or a specific combination of the 61 specific factors recited in claim125 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(Z) wherein said factor is a single specific factor, or a specific combination of the 71 specific factors recited in claim127 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AA) wherein said factor is a single specific factor, or a specific combination of the 105 specific factors recited in claim128 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AB) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim129 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AC) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim130 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AD) wherein said factor is a single specific factor, or a specific combination of the 64 specific factors recited in claim131 as it/they are

specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AE) wherein said factor is a single specific factor, or a specific combination of the 15 specific factors recited in claim132 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AF) wherein said factor is a single specific factor, or a specific combination of the 27 specific factors recited in claims 133-134 as it/they are specifically drawn to transcription modulating factors that are predictive of small cell lung cancer.

(AG) wherein said factor is a single specific factor, or a specific combination of the 61 specific factors recited in claim125 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AH) wherein said factor is a single specific factor, or a specific combination of the 71 specific factors recited in claim127 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AI) wherein said factor is a single specific factor, or a specific combination of the 105 specific factors recited in claim128 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AJ) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim129 as it/they are specifically

drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AK) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim130 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AL) wherein said factor is a single specific factor, or a specific combination of the 64 specific factors recited in claim131 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AM) wherein said factor is a single specific factor, or a specific combination of the 15 specific factors recited in claim132 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AN) wherein said factor is a single specific factor, or a specific combination of the 27 specific factors recited in claims 133-134 as it/they are specifically drawn to transcription modulating factors that are predictive of non-small cell lung cancer.

(AO) wherein said factor is a single specific factor, or a specific combination of the 61 specific factors recited in claim125 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AP) wherein said factor is a single specific factor, or a specific combination of the 71 specific factors recited in claim127 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AQ) wherein said factor is a single specific factor, or a specific combination of the 105 specific factors recited in claim128 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AR) wherein said factor is a single specific factor, or a specific combination of the 78 specific factors recited in claim129 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AS) wherein said factor is a single specific factor, or a specific combination of the 11 specific factors recited in claim130 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AT) wherein said factor is a single specific factor, or a specific combination of the 64 specific factors recited in claim131 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AU) wherein said factor is a single specific factor, or a specific combination of the 15 specific factors recited in claim132 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

(AV) wherein said factor is a single specific factor, or a specific combination of the 27 specific factors recited in claims 133-134 as it/they are specifically drawn to transcription modulating factors that are predictive of prostate.

For each of the inventions 51-56 above, restriction to one of the following is also required under 35 USC121. Therefore, election is required of one of inventions 51-56 and one of inventions (A)-(AV) and one of invention invention (I). It is noted that this is not an election of species requirement in that each of the linked

groups consists of one of inventions 51-56 above and one of inventions (A)-(AV) and one of invention (I) below.

(I) is drawn to a diagnostic device of Claim 111 wherein at least one of the transcription modulator factors forms a coactivator complex, wherein said complexing molecule is a single specific factor, or a specific combination of the 7 specific molecules recited in Claim 126.

7. The inventions are distinct, each from the other because of the following reasons:

Inventions 9-18, 51-56 as disclosed are biologically and chemically distinct, unrelated in structure and function, made by and used in different methods and are therefore distinct inventions.

Inventions 1-8, 19-50 are materially distinct methods which differ at least in objectives, method steps, reagents and/or dosages and/or schedules used, response variables, and criteria for success.

The inventions of Groups 9-18/51-56 and 1-8, 19-50 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (I) the process for using the product as claimed can be practiced with another materially different product or (ii) the product as claimed can be used in a materially different process of using that product [see *MPEP* § 806.05(h)]. In the instant case the array product as claimed can be used for the isolation and concentration of neoplastic antigens.

Inventions of the claimed Groups are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the patentability of the combination does not rely necessarily and solely on the patentability of any one subcombination and (2) that the subcombination

has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the patentability of the combination does not rely necessarily and solely on the patentability of any one subcombination as clearly evidenced by the plural subcombinations claimed. Further, each of the subcombinations has utility by itself because each of the subcombinations are useful for screening for different variables and different markers. Thus the claims are distinct as required by MPEP 806.05(c).

Inventions 97-109 are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions or different effect. In the instant case the different inventions are drawn to arrays for and assay of different tumor types with different etiologies and different types of neoplastic molecular markers for assay of those tumor types, different pathologies, different tissue types and they all have different functions because each is drawn to a different type of tumor or different type of neoplastic molecular markers. It is noted that inventions that are independent are by their nature 2-way patentably distinct.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and/or recognized divergent subject matter, restriction for examination purposes as indicated is proper.

9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

10. It is noted that in a telephone interview with Curtis B. Herbert on September 2, 2004, Examiner pointed out the complexity of the claimed

inventions and requested guidance as to what invention Applicant is particularly interested in being examined at this time. Dr. Herbert was unable to provide said guidance. Examiner has made a diligent effort to incorporate all of the limitations of the claims into the instant restriction requirement. If Applicant should discover that due to an inadvertent typographical error, again due to the extreme complexity of the instantly claimed invention, any claim or claim limitation is not addressed in the instant restriction requirement, Examiner will be happy to join such claim or limitation to the appropriate Group. For Applicant's convenience it is noted that Applicant is required to elect a single invention for examination. The invention must include the specific assay method or array to be examined, the specific cancer type to which the assay method or array is drawn, and the specific factor or factors to be assayed or to be included in the array. Should Applicant elect particular protein families to be included in the arrays or assay methods, Applicant is required to specify which members of a particular family are included in said assay method or array.

11. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at 571-272-0787. The fax phone number for this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 872-9306.

Susan Ungar, PhD
Primary Patent Examiner
September 3, 2004